

Penndel Borough Council Work Session  
Via Zoom Communications

September 21, 2020

Council President Barbara Heffelfinger called the meeting via Zoom Communications to order at 7:30 p.m. with the Pledge of Allegiance.

Present at the meeting via Zoom Communications

Mayor Robert Winkler  
Council President Barbara Heffelfinger  
Council Vice President Beverly Wolfe  
Councilman Gary Nickerson  
Councilman John Stratz – arrived late  
Councilman Joe Dudash  
Councilwoman Laura Germain  
Councilman Mark Moffa – absent

Also present via Zoom Communications

Ben Hauser, Solicitor, Hill Wallack  
Carol Schuehler, Value Engineering  
Marie Serota, Secretary/Treasurer

Consent Item

MOTION BY JOE DUDASH TO APPROVE THE MINUTES OF THE SEPTEMBER 8, 2020 COUNCIL MEETING. SECONDED BY GARY NICKERSON. A roll call vote was taken. Gary Nickerson, yes, Joe Dudash, yes, Laura Germain, yes, Beverly Wolfe, yes, Barbara Heffelfinger, yes. All ayes, motion carried.

***Committee Reports:***

Administration & Cable

Beverly Wolfe reported that they are on the final phase of getting the handbook and job descriptions ready for the committee to look over and make corrections or additions and then it will be given to council.

Community Development

Beverly Wolfe said it turned out that her wonderful idea which was a resurrected wonderful idea for Hulmeville & Bellevue Aves., turned into something a lot larger than had been anticipated. Carol made a phone call to PennDOT regarding the project and not only did they have some really good ideas and input, they are very much in favor of the project. They liked it and gave us some great ideas. However, the problem was the cost which is well over what they could ever approach the RDA for. She and Carol are going to get together to take a look at having a multimodal grant and possibly some other grants to go along with that for the design and engineering costs to still look at that intersection. That intersection needs to be done. PennDOT came up with some interesting ideas, so they are going to look at that and hopefully have something for you later. Fast forward to Plan B, which is going to be before council tonight. In a very short period of time they had to come up with an alternative and they looked at another resurrected project from a long time ago was to take care of the front of the building and make it completely ADA compliant with everything including accessible doors, a ramp and a

pathway to the parking lot. Folks who are disabled will no longer have to come in the back door and struggle with those doors. Everything will be automatic with an automatic door opening, pathway lighting so no one gets hurt coming in. She never really cared much for the idea that anybody with a disability or handicap had to come in the back door that was their only option. She thinks every person and every resident of the borough has the right to walk in the front door of their building. With this plan she asked for some advice from somebody that really gives her good advice and they told her who she should see to help them in a very short period of time to come up with a design plan, an architect and all this other stuff. They reached out to Kurt Schroeder of Gilmore and Associates who at one point was our engineering group. They have the resources available to help in the short period of time they have to complete a scope of work for this project and get the grant application done. Of course they're not doing it for free. For the basic services of the an on-site walkthrough of the building to view the existing conditions, which part of that was done today, take pictures and measurements of the building and areas associated with the proposed improvements which partially happened today, and to prepare the concept drawings and details of the proposed improvements complete with a historic cost evaluation of similar work within the area. Also, prepare an engineer's opinion of probable cost and fill out the grant application, prepare all relevant exhibits for submission, and this is strictly part one of just getting them there. Also, as part of this project in addition to the front which she forgot to mention is that they are also installing an office in borough hall for the proposed borough manager in the one corner and that was all walked out and scoped out today as well. The cost for them to do all the basic services which she just read \$4,890.00. She has a resolution prepared for tonight along those same lines and she apologized it got out to everyone so late but it's wonderfully vague saying we listed some of the improvements but it didn't go into very great detail because we don't have the very great detail yet. They have to pass the resolution tonight in order to proceed with the grant application and they have to approve the spending of \$4,890.00 for the design costs which they do have available in the capital fund. Gary Nickerson said, so basically they're going to do leg work. Beverly said they're going to put the whole application together and do the drawings. Their architect was a very sharp guy. They're going to do the scope of services that are proposed and she can share this with all of them. It was the onsite walkthroughs, measurements, concept drawings and details of proposed work which would be a list of scope of work, complete the cost evaluation which you have to have for the RDA and then fill out the actual grant application and provide the exhibits to be presented to the board. Gary asked if they have a cost estimate of all this for the proposed work. Beverly said they are going for \$250,000.00. Barbara Heffelfinger said they have people waiting to get into Zoom. Beverly said she didn't see anybody but does now. She said something's wrong with her participants part of her screen. Ben Hauser said to let the minutes reflect that John Stratz joined the meeting at 7:43 p.m. John said technically he dialed in at 7:29 p.m. Beverly said they know; they've got an amateur doing this that's why. Gary asked when the deadline was. Beverly said the deadline was tonight to have this done which gave her two days last week. The deadline for the application is next Wednesday. Gary said he knew that they had to do the resolutions tonight. Beverly said the deadline for the application is 4:30 p.m. next Wednesday, September 30<sup>th</sup>. Gary said he supports this and thought it was a good idea. Beverly said if they have enough money and they're going for a lot and if they don't give them that amount, they have good, better, best in the proposals and they're also talking about doing the flooring in the building were also talking about LED lighting in borough hall, a new ceiling and possibly some new furniture or maybe a new dais. It depends on how much money they get.

Joe Dudash said it is an excellent idea. Three years ago, they tried to fix those steps and also the handicapped and they all thought it was a mess. Beverly said she couldn't agree more.

She doesn't like, and hasn't for a long time, about people having to come in the back door. Joe said this is well overdue, so she has his support.

Bob Winkler asked if there was any consideration for security for the girls working in the office. Beverly asked him to elaborate on that and said they would absolutely welcome his or the Chief's input on that. Whatever is in place right now they have no intention to disturb. Bob said there was a study done by Officer Sigafos that she should look at. Joe said he thought they were already going to put a security system in for the girls. Barbara said not for the front door. Joe said he thought they were putting panic buttons in. Beverly said she is very interested in what Bob has to say and that it absolutely would be part of the plan.

MOTION BY BEVERLY WOLFE TO ACCEPT GILMORE AND ASSOCIATES BASIC SERVICE CONTRACT IN AN AMOUNT NOT TO EXCEED \$4,890.00 FOR SERVICES RENDERED AND TO COMPLETE THE RDA GRANT APPLICATION FOR IMPROVEMENTS TO BOROUGH HALL. SECONDED BY JOE DUDASH. A roll call vote was taken. Gary Nickerson, yes, Joe Dudash, yes, John Stratz, yes, Laura Germain, yes, Beverly Wolfe, yes, Barbara Heffelfinger, yes. All ayes, motion carried.

MOTION BY BEVERLY WOLFE TO ADOPT RESOLUTION #2020-36 AUTHORIZING AND APPROVING A MUNICIPAL GRANT PROGRAM TO THE BUCKS COUNTY REDEVELOPMENT AUTHORITY FOR BOROUGH HALL IMPROVEMENTS/RENOVATION. SECONDED BY JOHN STRATZ. A roll call vote was taken. Gary Nickerson, yes, Joe Dudash, yes, John Stratz, yes, Laura Germain, yes, Beverly Wolfe, yes, Barbara Heffelfinger, yes. All ayes, motion carried.

Beverly said with regards to the Memorial Field lights project, as you know how it is when you start taking down a wall and you find out what's behind it and it's a horror, they've had the saga of what's been going on down at the field. They had the electrical panel issue and then they had the issue with the wiring to the basketball court. They thought they had that completely solved. The Wildcats actually did dig the trenches which was about 360 linear feet. The problem was that it wasn't deep enough. It needed to go down 20 inches minimum. This is an expensive job and they've been working ever since to try to find a way to get this donated or get it for free. What they have tonight is two versions of the same change order and what she's asking for tonight is a provisional approval. Beverly explained that they have one change order that simply does the work of the CDBG grant and the extra money that Carol was able to procure from HUD which covered the extra \$13,000 and change to do the other electrical work that needed to be done - the new panels and whatnot that they had already discussed. Then there is another version of the same change order adding in about \$6,500.00 in cost for digging the trench the proper way which was sent out to everyone which is the quotation from the electrical contractor. She is asking tonight to please just provisionally accept the change order for \$19,975.00. That's the \$13,000.00 and change from the County that's grant money. The extra \$6,500.00 would be to complete the trench to the proper depth. They are still hopeful that it will get done for nothing, but this is the last meeting before the trench has to be finished. She is presenting the worst-case scenario which is that it will cost the Borough of Penn del an extra \$6,500.00. That ground back there is like concrete. This is to try to get it to the 20-inch minimum depth to lay the conduit to lay the wiring the right way. Joe Dudash said he sees they are getting money from the PECO rebate. He asked if that would cover the \$6,500.00. Beverly said the rebate is about \$3,000.00. She didn't even take the PECO rebate into account. Joe said so if they get the \$3,000.00 from PECO and Beverly said they will get it; they just don't have it right now. Joe asked if they needed \$19,000 cash from the borough. Beverly said no, they just need the \$6,500.00. She said it's provisional. They will have to ratify this at the October meeting. This is just a provisional approval. It will be back up again for permanent

approval, whichever way it turns out in the next week and a half. Two weeks from now that this has to be done. They are actively working on getting it for free. Joe said so basically with the rebate they are down to \$3,000.00. Beverly said \$3,500.00. Joe said his biggest question is, is there any more buried holes that they're going to find? Beverly said they need to do the conduit and wiring the right way so that no one gets electrocuted or gets hurt and there's no bare wire. It is worth every penny for peace of mind with the children playing there. As far as our surveys with our contractors and electric guys, they don't see any other hidden things that might pop up. This is the end, the last part of this that has to be done. Carol held the basketball courts off to the last thing because they were trying to get the trench dug and if you go down there you can see the trenches all around the outside of the basketball court and then it then it goes all the way over to the pole. Beverly said it is really rocky. The soil is terrible. There are some big rocks and there's a big root system.

Steve Lowe, 409 Cynthia Ave., asked for a little bit of clarification. He said he thinks he heard that there's already a trench dug. Beverly said yes but it is not deep or wide enough. It was actually dug for them as a donation. Steve asked if they used a ditch witch. Beverly said she didn't know because she wasn't down there supervising. He asked if the ditch witch didn't go deep enough. Beverly said she didn't know. Barbara said in some places it's only about eight inches deep. Steve said nobody dug it by hand which leads him to believe that there was a piece of machinery used the first time which leads him to ask the next question. He asked what the next piece of equipment that's going to be used to finish or complete the job. Are they talking about a backhoe? Beverly said the change order from GR Electric does list trenching 20 inches deep but of course they don't tell you in here how they're going to do it. They just say they're going to do it. She said to be honest, she doesn't care how they do it as long as they do it. Steve said he understands what she is saying but here's what typically happens, just from his past experience, they get out there with a piece of machinery then that piece of machinery doesn't work again and then you need more money for a bigger piece of equipment. That's where he thinks this may end up based upon what he's hearing. Beverly said the actual contractor specifically says it has to be 20 inches. Steve said he understands. He said you start digging and you don't know what's underneath the ground. There could be boulders as big as your house.

Mike Smith, 127 Dehaven Ave., said they should check with Armour Electric because they have a six-foot wheel. Carol Schuehler said because it's a CDBG HUD job they have limitations on being able to go to other contractors for pieces of the job. Mike said maybe go to Armour and ask them to do this as a donation because they have a six-foot wheel that they use for putting in underground lines for light posts. Beverly said they are soliciting donations for this service. She is providing everyone tonight a worst-case scenario because they have to get it done. Beverly said a big thank you to the commissioners for giving them the extra money they needed. Barbara said thank you to Carol because if it wasn't for her and her good relationship with the county they wouldn't be in this position.

**MOTION BY BEVERLY WOLFE TO PROVISIONALLY ACCEPT CHANGE ORDER #3 TO THE MEMORIAL PARK LIGHTING PHASE I AGREEMENT TO REPLACE UNDERGROUND WIRING AND POWER THE BALL COURT LIGHTS AT A COST OF \$19,975.00. SECONDED BY JOHN STRATZ. A roll call vote was taken. Gary Nickerson, yes, Joe Dudash, yes, John Stratz, yes, Laura Germain, yes, Beverly Wolfe, yes, Barbara Heffelfinger, yes. All ayes, motion carried.**

### Finance

Beverly Wolfe said she is working on preliminary budget and she will have some more information and dates for the next council meeting.

### Public Works

John Stratz reported that he had a meeting a couple of weeks ago regarding streets. He attended the meeting with Asphalt Paving Solutions and our engineer regarding asphalt work, AKA sealing some of our streets. They walked Oak, Holly, Rumpf and Highland Avenues. This is for surface treatments short of a full repaving for certain borough streets that allows them to extend the life of those streets for many more years. Some streets that they looked at that he wanted done, this was not viable for them. Those particular streets that are truly dissolving before their very eyes are going to have to have the full treatment of mill and pave. This will be something for 2021. They received in their emails today about a payment for D. Pasholli. He realizes they don't want to do it because nobody wants to pay bills, but now that the work has been finished, they have the invoice in hand. The original invoice was going to be \$53,000.00. What they are being asked for is a total of \$32,669.37.

MOTION BY JOHN STRATZ TO APPROVE FULL AND FINAL PAYMENT TO D. PASHOLLI CONSTRUCTION FOR CONCRETE WORK ON BELLEVUE AVENUE IN THE AMOUNT OF \$32,669.37 AS RECOMMENDED BY BOROUGH ENGINEER. SECONDED BY BEVERLY WOLFE. Beverly asked John if this is the full payment to close out the bid contract. John said this is the final of all of Bellevue. Beverly asked if this is the final piece that they have to pay that concludes our contract with them for this project. John said yes. Gary Nickerson asked if the engineer signed off that everything is ok, and all deliverables are met and everything is good. Carol said yes, all documents have been received and numbers done.

Joe Dudash said the only thing he's concerned about is that there's still some outstanding stuff that they haven't resolved. One particular property is the Wheeler's. Beverly said Mr. Wheeler has never provided her with the estimate or anything that she asked him for back in July. It was July when they went over there and she can tell him the exact date because she took all the photographs of the stuff. She said that that wouldn't be the contractor's responsibility. That would be the boroughs. Joe said they have to get it fixed. Beverly said that Mr. Wheeler is never going to let D. Pasholli back on his property ever again. Joe said whatever that amount of money is should be deducted from the \$32,000.00. Beverly said the problem is that this is a municipal bid and they have a certain timeline that they have to follow to satisfy the bid documents. She said she had a lovely talk with him. Joe said he wants that deducted because he doesn't want the borough and the residents to get stuck as usual. Beverly said neither does she. Joe said he feels that whatever that amount of money is that they can estimate that would be needed to repair that and whatever pops up, should be deducted from the \$32,000.00. Beverly said she wanted to state publicly right here just for a second that apparently people are trying to get into this meeting and they can't. She is not seeing anybody on the queue and they're all texting her so she can't listen and answer texts at the same time. Joe said it seems like they run into this situation all the time and they have to do a change order or they have to come up with money. He feels that whatever that's going to cost, to hold out. Beverly said she has no idea because he hasn't given her that. That was July 21<sup>st</sup> and he insisted and told her he was going to get his own person and get her the estimates on the work. He specifically said that's what he wanted to do. Joe said he understands that but it's again the residents that are going to get stuck if the ugly head pops up. It's just like the lights down there and electric and all of a sudden, they're having to do a change order. Beverly said she agrees with him completely. Wheeler was supposed to get that to her while she was still president. She understands he's had some challenges, but he was supposed to get her an estimate for all the

things that she took photographs of that he didn't like. She has no idea how much this stuff is going to cost, and she has no idea how much to hold back. Joe said if you had sloppy work done at your house like we have down here, would you pay the contractor? Beverly said she is not disagreeing with him on that. Joe said they as council people for this borough, can go down and see that it's crappy work. Beverly said she agrees with him on some things, but he has a responsibility to get her the estimate for the work. Joe said they are representing the people of Penn del and they were the ones who brought this contractor in. Beverly said he was the lowest bidder. Joe said he understands that but the whole pivotal point here is that again, why is he awarding this guy when the job was crap. Beverly said they are going to agree to disagree on this because she thinks the contractor has to be paid but it is Mr. Wheeler's responsibility to get her an estimate on what he doesn't like and it's been two months but that's okay we can agree to disagree on that. Ben Hauser said to Carol Schuehler, being a licensed professional here and the professional engineer in the Commonwealth of Pennsylvania, he asked her if the curb and sidewalk done at the Wheeler property is compliant with the Penn del Borough code. Carol said it is. He asked if they did advise Mr. Wheeler of his obligation to bring his work up to Penn del Borough code and he declined and Carol said yes. Beverly said there was one thing that she didn't like at all and she told Mr. Wheeler that. Barbara remembers because she was with her. They needed to fix it and he said fine, he would get the estimate. There are a couple other cosmetic things that he didn't like and she said just give her the whole thing. Some stuff he didn't like wasn't even on his property. She told him to please just give her the estimate and he said he would do that. Joe said it's just the situation with the contractor. Beverly said she understands. Unfortunately, they are bound by the laws of bidding and if he finished the work that he was contracted for they have to pay him. Whatever aesthetic stuff that Mr. Wheeler wants done, she still has yet to receive anything from him on that and she told Joe if he should see him, to please tell him she's still waiting. Ben Hauser asked if on the participant list was there was any indication of anyone trying to enter the meeting. Beverly said there is no indication at all. John Stratz said he just wanted to reiterate that the original contract with D. Pasholli was for \$53,945.50. What is due is \$32,669.37. Beverly said with all due respect, she really doesn't care that he came in under the contract. In some cases she wasn't happy with the work at all but he did it to the borough's specifications, so they have no choice but to pay him. Ben asked Carol if the apparent disparity between the initial amount and the amount present, would it be fair to say a significant sum of that was removed because certain property owners had the work done on their own before Pasholli did the work. Carol said that was correct.

Terry McIntyre, 338 Hulmeville Ave., said he couldn't agree with Mr. Dudash more. He said he knows Mr. Wheeler and he's not going to let this go. He said he would hold back about 5% because it's going to come back on the borough and it's going to come out of the resident's pockets. Terry said Beverly said she wasn't real happy with the quality of the work. Beverly said it was just one spot and it was aesthetic. Terry said five percent is only \$16,135.00. He wouldn't pay him a dime over \$34,000.00 and explain it to them in a letter the reason why they did that because they still have a problem with one of the parcel owners. Beverly asked Ben since it's a municipal bid, are they allowed to withhold any money because the work was done to specs. and it was aesthetics that they didn't like. Ben said he defers to the engineer, but he does not think that it's appropriate when the basis is aesthetics and the contractor performed per the contract. If there is a disagreement over how it looks that's, not necessarily what the code talks about it. It talks about certain heights and he leaves those technical issues to the engineer. Carol said the material and thicknesses are in compliance with borough code and there's only so far they can go with aesthetics within borough code. Barbara said there was one little spot that was really yucky but that was it. Everything else complied. Beverly said the point of section of a block of concrete and the very tip of it was filled in with some kind of liquid concrete kind of thing and it's aesthetically not good and she doesn't like it but she guesses

functionally it's fine but it looks bad. Gary Nickerson said he thinks that everybody on council learned a lot dealing with contractors on this and hopefully they can get these lessons learned onto the next contract. A roll call vote was taken. Gary Nickerson, yes, Joe Dudash, no, John Stratz, yes, Laura Germain, yes, Beverly Wolfe, yes, Barbara Heffelfinger, yes. 5-1, motion carried.

### Community Relations

Laura Germain said she is working on the next newsletter. The Chief will write his normal letter and there's going to be an explanation of the EIT. There will be recycling and revitalization information. There will be Halloween information which is what she's working on right now in terms of events. Halloween is a Saturday this year and probably not everyone is going to be comfortable doing traditional Halloween where the kids are knocking on doors and getting treats. She said she will be meeting with Barbara, Karen and the Mayor on Thursday to talk about some potential alternatives to traditional Halloween that we can provide for the residents which will be in the newsletter as well. Those are the items she is working on right now.

### Building & Maintenance

Joe Dudash thanked Marie who was in contact with the County on the sanitizing of the borough hall for Election Day. They are going to come in and clean and spray the hall down and clean it. They would keep everybody out of there after that. Barbara said they would come in at 5:00 p.m. and then it has time to either cure or settle overnight so when the voters come in the next morning it will be clean. Joe said also with Michelle it will be sterilized. Beverly said germs don't stand a chance against that woman. Joe said the generators are in and Marie sent out an email that they will be testing them every Wednesday at 2:00 p.m. so that project is done. So now that we have them, we can lose power all we want and still have electric.

### Open Space/Taddei Woods

Karen did an excellent job with the health department. They came down and put a larvicide in Taddei Woods for the mosquitoes and everything else. He thinks they did a good job plus with the dunks, he hasn't had any complaints or calls. Joe said while he is on Taddei Woods, Carol went out to Middletown because they were supposed to do the storm water over there on Adams Ave. and she went over snooping around and found out about a CZM grant. He asked Carol to explain. Carol said it's got a very close submission date. Barbara said they thought of looking at it too but it's just too soon. It's coming up quick. Carol said she spoke with the Middletown Township engineer. He informed her that the grant funding they obtained is to be used for a project to work on drainage on Cypress, Willow and Longview Avenues and all those streets actually discharge stormwater in a southerly direction towards Taddei Woods. What raised all of their eyebrows was that Adams Ave. was listed in a newspaper article and they saw that Adams Ave. is not included in the project that the township received grant money for. They have considered doing work on Adams through the public works department and so she talked with them about the history of problems with Taddei Woods as background for very real borough concerns about flow that is directed towards Taddei Woods at which point their engineer pledged to keep them informed and keep the borough's stakeholders in any Adams Ave. drainage plans that might be developed in the future. The Coastal Zone Management grant that Joe discussed that deadline comes up very soon. That can cover up to 50% of design costs but we're talking about a somewhat complicated design because they have a number of private properties between Taddei Woods and the existing drainage structures in Pennel Borough. The grant would cover 50% of the design cost the other 50% would be covered by the borough. They actually should have been in attendance in a meeting with DVRPC as the grant program opens and maybe that's something council wants to think about for next year because the deadline is coming up very close which she thinks might be the end of

this month. Beverly Wolfe asked about the project that Middletown is working on. Carol said the project they are using grant money to complete is going to direct water not towards Taddei Woods but on other roads in another direction. If and when they do something on Adams Ave. they promised to keep in touch with the borough and consider them stakeholders that the project because they understand that we have concerns about it. Beverly said being stakeholders in the project would mean that they would be coming to the borough for information and input on any design. Carol said yes. Carol said keeping an open relationship in line of communication with Middletown is beneficial to both municipalities and she thanked Joe for encouraging her to reach out to them and talk about it. Joe said with the type of topographical survey, does she think they should start that so she has it for the future. Carol said the reason they were talking about the Coastal Zone Management grant was that's when they met with DEP last fall, they were directing them there because that could help pay for the survey and design and since the survey and design having to deal with private properties and private boundaries could get up into the 10's of thousands of dollars, she's assuming based on work she's done with Penndel over the years, she is assuming they would want the grant funding to do that before they spend the money on the survey but she is available to do whatever council wants her to do. Beverly asked if she is talking about the topographical that will show low spots and high spots where water is going. Carol said the kind of survey and design that they would be going to the Coastal Zone for funding would be to do a topographic survey of Taddei Woods all the way down to some of the drainage facilities that exist today and also to be doing boundary surveys between Taddei Woods and the drainage facilities that they could address any needs for easements and communicate those with property owners and give descriptions. Beverly asked if they would be dealing with the Spring St. swale and that kind of thing. Carol said she would envision dealing with both the Spring St. swale and the water that comes out on Holly Ave. Beverly said she thinks the Spring St. swale is underrated as being important to draining Taddei Woods. Beverly told Joe his idea is great and they should be looking at that in the next round and keep working with Middletown.

#### Public Safety

Joe Dudash said the generator is in at the police building.

#### Long Range Finance

Gary Nickerson said they did not have a meeting in September but budget season is coming, he just wanted to bring up some issues. There was an issue about an oil heater maintenance plan, the security system at the sewer plant. One continuing issue, what are they doing with the sewer plant and what do they have down there and what are their assets and liabilities. With Covid and the implications with their budget, if council were agreeable, they could go down and take a look at the plant and make an assessment of what it is, if there is anything there they think they could sell on Municibid or some other kind of auction to make some money to offset or plug any holes in the budget. If they are authorizing money to be spent down there, they should see what it is and what is going on. They could then determine a course of action. It would be like a fact-finding mission. He's not sure how that would be with a quorum or they could take some notes and talk about it at a work session. This is an issue they have discussed at Long Range for a while. Joe agreed with Gary. He said there is some stuff they have to look at to cut costs. They have a backhoe down there they could have used to trench the rec. field. Gary asked Ben Hauser if they could go down to the sewer plant. Ben said he doesn't think it's wrong as long as they are not deliberating anything. Four members of council or more is a quorum, but you can't decide business. There may be some best practices to outline for them if they are going to do that. He said he would get back to them on that soon. Joe said if it's an issue, they could go down individually. Beverly said they could go down as a quorum, just no deliberating or anything like that. Ben said his office would look into it.

### Refuse

Gary Nickerson said refuse issues are ongoing. Some residents complained about the comingling of yard waste and recycling or yard waste and trash. He said Joe reached out to the contractor to find out what is going on. Gary said it's what they suspected. There is a trash crisis. There is a shortage of garbage collectors and he thinks this was a casualty of that. They had said they didn't have enough workers, but they were going to get to the bottom of this and it is inappropriate. Joe said they had one truck going around. Barbara said they were having troubling getting people to come in because of Covid.

### Ordinance

Gary Nickerson said he and Councilman Moffa discussed a lot of things they were talking about in the beginning of the year. They are trying to figure out how much time they are going to have to look at everything. They are going to need to talk to Councilman Stratz to see how much street work is going to be done next year because of the issue of streets, curbs and sidewalks and that should jump to the top of their list. Ben Hauser said at the last meeting council authorized the notices to go out about the intent to amend the EIT and the notice will be going into the Bucks County Courier Times this week and will run for three straight weeks along with the advertisement for the ordinance which will be seven days before the scheduled date of October 19<sup>th</sup>. That is the meeting in October in which they will have enough time to have all the time frames in.

### Insurance and Pensions

Gary Nickerson said there was a payment issue which was his fault as he had a learning curve and Marie brought him up to speed on some issue and they are okay.

### Old Business

Barbara Heffelfinger said there was a motion that was tabled from the last meeting. Beverly Wolfe said she thought they should table this until the beginning of the year. They did assign Zoom accounts to each council person so they could have committee meetings. Most of the committee meetings from now will probably be finance for budgeting and they will have to advertise those. She asked Barbara how she felt about postponing them to the first of the year. Barbara asked council and they agreed. Barbara asked that they send an email with some kind of report so they know what they are working on.

MOTION BY BEVERLY WOLFE TO TABLE THE MOTION TO ADVERTISE COUNCIL COMMITTEE MEETINGS AS STATED ON THE LIST DATED 8/25/20 UNTIL THE JANUARY 4, 2021 REORGANIZATION MEETING. SECONDED BY JOHN STRATZ. A roll call vote was taken. Gary Nickerson, yes, Joe Dudash, yes, John Stratz, yes, Laura Germain, yes, Beverly Wolfe, yes, Barbara Heffelfinger, yes. All ayes, motion carried.

### New Business

Beverly Wolfe said she forgot to ratify all the resolutions she had for everyone at the last meeting.

MOTION BY BEVERLY WOLFE TO RATIFY RESOLUTIONS #2020-21 TO #2020-33 READ AT THE LAST MEETING. SECONDED BY JOHN STRATZ. A roll call vote was taken. Gary Nickerson, yes, Joe Dudash, yes, John Stratz, yes, Laura Germain, yes, Beverly Wolfe, yes, Barbara Heffelfinger, yes. All ayes, motion carried. Barbara thanked Beverly for doing them.

Beverly said they were well deserved. Barbara said all of council got one and also the Mayor, Marie Serota, Karen Kondrk, Chief Sean Perry, Anthony Diaz and Nick Foufas.

MOTION BY BEVERLY WOLFE TO ADOPT RESOLUTION #2020-35 AUTHORIZING AND APPROVING A MUNICIPAL GRANT PROGRAM TO THE BUCKS COUNTY REDEVELOPMENT AUTHORITY FOR POLICE DEPT. EQUIPMENT. SECONDED BY JOE DUDASH. Barbara said the amount on that is about \$36,000.00 for equipment. A roll call vote was taken. Gary Nickerson, yes, Joe Dudash, yes, John Stratz, yes, Laura Germain, yes, Beverly Wolfe, yes, Barbara Heffelfinger, yes. All ayes, motion carried.

MOTION BY BEVERLY WOLFE TO ADOPT RESOLUTION #2020-34 AUTHORIZING AND APPROVING A MUNICIPAL GRANT PROGRAM APPLICATION TO THE BUCKS COUNTY REDEVELOPMENT AUTHORITY FOR USE OF GAMING FUNDS FOR THE REPLACEMENT OF THE FIRE STATION ROOF. SECONDED BY JOHN STRATZ. Steve Lowe asked for the dollar amount. Barbara said she didn't have the grant in front of her but said there was a match that would be provided by the fire company and the amount was somewhere around \$85,000.00. Steve said for the record the amount was \$85,000.00 with a match of \$15,000.00 from the fire department. A roll call vote was taken. Gary Nickerson, yes, Joe Dudash, yes, John Stratz, yes, Laura Germain, yes, Beverly Wolfe, yes, Barbara Heffelfinger, yes. All ayes, motion carried.

Beverly Wolfe said she thinks they should hold off on the additional charge for Zoom since they are postponing the meeting until January. They should maybe just revert that back to Barbara's account and maybe one other one for the Long-Range Finance Committee can use it. Beverly said she will fix the account tomorrow and leave on Barbara's account and two others for Long Range Finance or Revitalization or if they want to have some kind of meeting it will be available to them.

MOTION BY BEVERLY WOLFE TO TABLE THE ADDITIONAL CHARGE OF \$14.99 PER ACCOUNT FOR ZOOM VIDEO COMMUNICATIONS UNTIL THE FIRST MEETING IN OCTOBER. SECONDED BY LAURA GERMAIN. All ayes, motion carried.

Beverly Wolfe said she and Ben Hauser spent a considerable amount of time trying to rewrite the agreements with the Wildcats to make sure that the borough was a little more covered on some insurance requirements such as CTE coverage which has to do with concussions. Ben said contracts with minors are always kind of tricky because a minor can always repudiate the contract afterwards. The borough wants to be protected because some of these injuries don't manifest until way down the line you want some policies to be in effect. This agreement is much more robust than the one typically used in the past.

MOTION BY BEVERLY WOLFE TO APPROVE AND SIGN THE USE, OPERATION AND MAINTENANCE AGREEMENT WITH PENNDEL WILDCATS ATHLETIC ASSOCIATION FOR THE TERM AUGUST 1, 2020 TO NOVEMBER 30, 2021. SECONDED BY JOHN STRATZ. Gary Nickerson said he was reading the contract and he noticed that the borough is responsible for putting out trash cans at the field, but he believes the Wildcats are responsible for trash collection. Beverly said the borough gives them the cans and they get rid of the trash. Gary said he takes his kids down to the playground a lot and the can kind of just blows around. He thinks maybe next year they can do something to improve the trash facilities down there. Beverly said next time around they hope to revamp this contract. It needs a major overhaul because of some issues from the exhibits of the previous contracts. That's on the schedule for 2021. Bud Murphy asked if there was any requirement or recommendation for usage of

facemasks at the ball field. He stopped by a week ago because he heard a lot of cheering and he was just curious about mask usage. He said about 70-75 percent of people had masks on and the stands were about half full. He couldn't tell if people were socially distancing themselves or not or if they were sitting in family units, whatever the case may be. Most of the coaches had masks on. Some of the general public seemed to be wearing their masks around their chin. Because of the community spread of the virus, and he believes it is slightly increasing in Bucks County, he was wondering if there was any requirement or recommendation for that. He did not see any signs for mask wearing at the field. Barbara asked if they could put signs up down there. She didn't think they could put it in the contract. Ben said he doesn't think the borough can necessarily regulate their conduct with the Wildcats. He said it is an interesting question. For the individuals who are not wearing masks and if it is the will of council that we want them to be wearing masks in the future, there is nothing that stops them from reaching out to the Wildcats and doing an addendum saying that volunteers and those affiliated with the group should be wearing masks. But as far as the general public, that really doesn't fall within the contract. Beverly said she doesn't believe that anyone in law enforcement or government has any way to enforce the governor's order. Ben said that is a difficult question given the fluid state of the law. If anyone has been paying attention to the news, things are a little fluid in terms of the governor's emergency mandates. There is a case in the western part of the state with certain occupancy gathering limits. But he hasn't heard anything yet about the mask requirement if it is going to be enforced. That is going to be a prosecutorial resource type question. Beverly said she appreciates Bud being our eyes on the ground. They could put up signs but who is going to enforce it. They could post signs and if someone gets sick, they can say they warned them. Ben said they could inform the public of the risk. It wouldn't hurt but he doesn't know to the extent it would help. If the borough wants to put up signs, it certainly is their prerogative. A roll call vote was taken. Gary Nickerson, yes, Joe Dudash, yes, John Stratz, yes, Laura Germain, yes, Beverly Wolfe, yes, Barbara Heffelfinger, yes. All ayes, motion carried.

#### Persons to Be Heard

**Amanda Mieluch, 16 Oak Ave.**, said that John Stratz mentioned doing something to Oak and Holly Aves. She wants to know what they are doing and will she have to do concrete work. John said they got the owner of Asphalt Paving Solutions to come out and look at some of the streets that are not fully gone. There are still quite a few that need to have the full milling and paving done but what this company is going to do for them is go over the top to extend the life of the streets in which he is hoping to get another seven to ten years. The beauty of this for the residents is that they don't have to curbs and sidewalks for this. Barbara said the gentleman went around with Carol and John and she herself tagged along a little. He is a business associate of Carols who walked the streets with them at no charge. Carol said this is a contractor who has a number of sealing type technologies. It's his area of expertise and it is his business. He is a contractor that does this type of work. He agreed to come to Penndel at his convenience. He met with her down here and they looked at some of the streets so that she could bring information to the streets committee about ways to extend the life of borough streets, short of full repaving because full repaving is a high cost to the borough. Wherever they can find ways to extend life to borough streets, that extends the municipal budget. John is correct if they are just putting a coating on the road rather than fully repaving it, then you wouldn't have to address curbs and sidewalks.

**Tom Sodano, 126 W. Woodland Ave.**, said if you have people telling you they are having difficulty getting onto Zoom meetings, it is difficult to do from the website because the Zoom address is not highlighted separately. You have to copy and paste. If anyone tells you that, tell them to go to the Facebook page. It's faster and easier and takes you right to where we are.

Tom said earlier when they discussed Taddei Woods, when he and his wife were on vacation in Florida, they saw something interesting that he recently saw in South Jersey. It was a wetlands area. Rather than try to build drainage and walkways, they built boardwalks so you could transverse about them. It might be something to think about in the future. It could be projects if they have any Eagle Scouts that are looking for projects, to incorporate stuff like that. Then maybe the residents could go back there and use the woods without trampling on any of our turtle or frog friends. Beverly asked if he had any information on that and Tom said only vacation pictures that show it. He said he would see if he could find any information on it. He said they look relatively simple but he doesn't know from an engineering standpoint about sinking the pilings or however they support them or the float over top of the wet areas, he's not sure how it's done. He will try to find some information on how they are supported. Tom said that Beverly mentioned a field trip. He suggested if they do that, they should pick up a couple of senses of humor because apparently a few of the council people are sadly short on that. John Stratz said what Tom has been describing is what he has been working on for the last two years. He is in contact with the gentleman who created the full boardwalk in Silver Lake Nature Center. He is very willing to work with him. Beverly said all it takes is money. John said he is waiting for the perfect grant to come along and that is his pet project.

**Mike Smith, 127 Dehaven Ave.**, said as they are all aware, he told them about the situation with his yard. Barbara told Mike they couldn't talk about it because it is a code enforcement issue. Mike said it is not a code enforcement issue and it is not under litigation so he can talk about it. Barbara said she was told they couldn't. Ben Hauser said council has been cautioned about responding at this time because it is being looked at, however, Mr. Smith is entitled to make his comment. They don't have to respond but he can make his comment. Mike said he wasn't looking for a response. And he wants it known that he has not as of yet, hired an attorney. He said he had a survey done that proved where his lot lines were. It also showed that the fence is in the borough right of way by two feet. It is also non-compliant by at least eight separate parts of the ordinance book. Not once has anyone come out to look at it. He is more than willing to show anyone who wants to come here, what kind of situation he has every day backing out of his driveway. He cannot see and he cannot look around the corner of that fence. And it is a nightmare. He is telling them all, someone is going to get hurt here. It almost happened the other day with a person and a wife and their baby in a baby stroller. They came past the fence and he was starting to back out. He said thank God he stopped and waited. It's not a question of if, it's when. The council needs to uphold the laws and ordinances of this town. If they are not going to do that, don't pay the money to make them. He knows that ordinance inside and out because he worked on it. And he knows that the fence on Dehaven Ave. is not supposed to be any more than three and a half feet from the side of the house. That side of the house is also supposed to be no more than four feet high. They all need to look at this and wonder when something is going to happen. Everyone is aware of it now so it's coming. Ben Hauser said Mr. Smith has certainly made his remarks on the borough record. It is not for council themselves to go out and inspect because it is not in their bailiwick. The borough professional who has that expertise will need to go out there. He understands he is planning on going out there. That's the extent he is aware of. Mike said he was out 10 days ago, and tomorrow would be 11. Ben said so he was at the property. Mike said he came out here and what I got from him was past precedents are setting a lot of issues around here and apparently, he's going to meet with the homeowner. Mike said he is not against meeting with the homeowner. He said he doesn't care about having that fence come off the property line. It needs to go back to the lines that were have drawn in the ordinance. Ben said he is not weighing in on the actual nature of the dispute. He is just saying it's not for council itself to weigh in on for any particular aspect of this until they receive whatever report they are going to

get from the designated professional. That is the position of the borough at this time. He said Mike certainly made his point on the record.

**Terry McIntyre, 335, Hulmeville Ave.,** said as far as intersections go and he knows that it was said that they don't have the funds to do anything with Hulmeville and Bellevue, but he thinks two of the worst intersections in this town have to be Woodland and Durham and Woodland and Bellevue. There's been so many accidents at Woodland and Bellevue he would think even just a small sign that said use caution high accident intersection or something like that would even be helpful. Or maybe something painted on the road on the borough's end, obviously not on the state road but on the borough's side on Woodland. Terry said to Gary that his suspicions would be correct when they take a tour of the sewer plant. He spent a lot of time over there when he was on council and it's a huge liability just sitting there. People have fought for years to hang onto it for what reason he doesn't know. It's just a big storage facility and a big liability for something to happen over there which the taxpayers will be on the hook for if it does. Lastly, for advertising, he knows they are doing what's required, but the media is dying and people aren't reading the newspaper anymore. Very few people get the Bucks County Courier Times and even fewer people look at it online. He really thought that they were going to send a letter out just letting people know about the income tax and they're really going to know when these letters from Keystone collections come out. He thinks the borough really dropped the ball during the pandemic and should have sent some type of letter to every household. That would have been the right thing to do.

Joe Dudash said since Mike Italia hasn't been with them for two meetings he is requesting just for the record, if he could be at the next meeting to give the council a briefing on Schoolhouse Court and what's going on there with the trucking company cluster boxes down there and is there subdivisions going on inside and also to advise them on the fence issue. Beverly said there is a cluster mailbox in front of 40 Bellevue that she believes was put there by the Post Office. The Post Office puts those in if they are official mailboxes. She did go look at it she suspects what it's for but she can't prove it so she will have to wait for the report from Mike. Joe said even the Postmaster up in Langhorne didn't even know about it. Beverly said she thinks it's paperwork being exchanged and for the drivers to put their logs. Joe said he would like a report on those three subjects.

Tom Sodano, 126 W. Woodland Ave., asked about the oil tanks found at Schoolhouse Court and if that was Mike Italia's company handling it. He said they put up orange mesh fencing around an area there today. There's apparently a hazmat problem on that property that is being handled by the code enforcement people. Barbara said she did not talk to him today. She saw them down there and Rick is off tomorrow, so he won't be in town, but she'll check on that. Tom said there was a hazmat team there. Barbara said it is a code enforcement matter. Joe asked how many tanks were in there. Tom said they are oil tanks, both are out of the ground now and they were both at least 1,000 gallons. One of them they had a vacuum truck there for about 6 hours emptying it. He doesn't know how the second one got emptied. This morning some official looking guys came and put up orange mesh construction fencing, and they sectioned off an area about the size of one of the twins. Joe asked if this is an EPA federal, state or what. Gary said for underground storage tanks he would imagine the DEP is going to get involved. Tom said they were buried when he tore the building down and they found them when they were digging. He doesn't have any idea if they actually leaked or they didn't. They originally were in the area right next to the school building. Joe asked if the borough was notified of this. Carol Schuehler said it was actually her inspector that came across them working on that tank and made everybody aware at the Barry Isett group and they did issue a notice to them that addresses those tanks and the conservation district is aware of those tanks and she believes by

now the DEP is aware of those tanks. They will have to do soil testing and that is being handled by the borough's code enforcement officer and she suspects the fencing he saw go up was because they were halted from doing further work until these tanks are addressed. That's likely safety fencing to protect the excavation from encroachment. Joe said they have water issues and now oil issues. Beverly said they are going to be responsible to clean this up and they're going to answer to the feds and the DEP. She said get them out of there. They were filled with oil since they went to school there. He's going to have to mitigate it. She said she is happy the DEP is involved because it is going to get cleaned up. They'll get the tanks out of the ground and clean up any contaminated soil. Joe said he isn't getting any money from them. Beverly said the borough doesn't give him money. Joe said he keeps coming back and wants this and that. Beverly said that's why there is escrow money. Ben Hauser said he understands there's a certain tender in the room at the moment however there's no matter on the agenda for council at this time so be mindful of that. There are some matters to discuss on what exactly is going on there. From what we can tell and some of the opinions raised here, perhaps may be a discussion for a different day.

MOTION BY BEVERLY WOLFE TO ADJOURN AT 9:31 P.M. SECONDED BY JOHN STRATZ.  
All ayes, motion carried.

Submitted by: \_\_\_\_\_  
Marie Serota, Secretary/Treasurer